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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,317	11/12/2003	Inigo Lizarralde	2B07.1-023	6461
23506	7590	10/28/2005	EXAMINER	
GARDNER GROFF, P.C. 2018 POWERS FERRY ROAD SUITE 800 ATLANTA, GA 30339			KNOX, STEWART T	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-37, drawn to a pivotally mounted trigger guard and/or notch to pivot, classified in class 42, subclass 51.
 - II. Claims 38-39, drawn to a hammer safety, classified in class 42, subclass

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The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as its use as a hammer safety with any muzzle-loading firearm that does not have a trigger guard or guiding notch. Also, Invention I does not require the presence of a hammer safety, as claimed in invention II. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. This application contains claims directed to the following patentably distinct species of the claimed invention:
 - a. Embodiment 1 (figures 1-5), containing a guiding notch and

- i. a trigger guard pivotally mounted to the pivoting block, as disclosed in claim 1,
or
 - ii. a lever movably mounted to the pivoting block, as disclosed in claim 8.
 - b. Embodiment 2 (figures 6-12), containing a spring clamp and
 - i. a trigger guard pivotally mounted to the pivoting block, as disclosed in claim 1,
or
 - ii. a lever movably mounted to the pivoting block, as disclosed in claim 8.
5. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from A or B for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 5-10, 16, 38, and 39 are generic to (a) and (b), and claims 17-20, 38, and 39 are generic to (i) and (ii).

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stewart T. Knox whose telephone number is (571)272-8229. The examiner can normally be reached on Monday through Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571)272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STK



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER